

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MICHAEL WARREN and EVELYN WARREN, x

Plaintiffs, x

-against- x

THE CITY OF NEW YORK, a municipal entity; x

NEW YORK CITY POLICE COMMISSIONER x 08-CV-3815 (ARR) (RER)

RAYMOND KELLY; NEW YORK CITY x

POLICE SERGEANT STEVEN TALVY x ECF Case

(Shield No. 5408); NEW YORK CITY POLICE x

OFFICER JOSEPH TILLOTSON x

(Shield No. 30215); NEW YORK CITY POLICE x

OFFICER JOHN ACCONI (Shield No. 5075); x

NEW YORK CITY POLICE OFFICER x

MIRABEL SARANTE (Shield No. 10211), x

NEW YORK CITY POLICE OFFICER x

ANTHONY CAROZZA (Shield No. 16222), x

individually and in their official capacities; and x

JOHN DOES 1-10, New York City Police x

Officers, Supervisors and/or Commanders, x

individually and in their official capacities, x

Defendants. x

----- x

Plaintiff, by his attorneys Beldock Hoffman & Levine, LLP, pursuant to Rule 47 of the Federal Rules of Civil Procedure, submits the following proposed case-specific questions for voir dire, to be asked in addition to general questions:

1. The plaintiffs in this case are Michael and Evelyn Warren. Do you know or have you ever heard of them?
2. The plaintiffs are represented by Jonathan Moore and Elizabeth Logemann of the law

firm Beldock Hoffman & Levine, LLP. Do you know or have you ever heard of counsel for the plaintiff or counsel's law firm?

3. The defendants in this case are police officers then Sergeant now Lieutenant Steven Talvy, Officer Joseph Tillotson, Officer John Acconi, Officer Mirabel Sarante, and Officer Anthony Carozza. Do you know or have you ever heard of any of the defendants?
4. The defendants are represented by Arthur Larkin and Kim Conway, Assistant Corporation Counsels in the New York City Law Department. Do you know or have you ever heard of Mr. Larkin or Ms. Conway or the Office of Corporation Counsel?
5. Do you know any of the following people who may be called as witnesses or who may be mentioned in the testimony?

Michael Warren

Evelyn Warren

Lieutenant Steven Talvy

Officer John Acconi

Officer Mirabel Sarante

Officer Joseph Tillotson

Officer Nicholas Tricarico

Officer Anthony Carozza

Officer John Devito

Officer Steven Margaritis

Detective Competiello

Inspector Cosgrove

Captain Timothy Kelly

Commander Chief Gerald Nelson

Stephanie Niles

Robin McClammy

Majida Abdul-Karim

Lisa Jones

Lafette Richard

Don MonPlaisin

Fred Moody, who also goes by the name Freddy Moody or Fred Martinez

Melissa St. Fleur

Dr. Maxine Orris

Dr. Craigh Bryan

Dr. Jeffrey Gardere

Dr. Barbara Blum

Dr. Sanford Drob

April Davis

Bruce Reynolds

Jasmine Steadman

EMT Araulky Beltre

EMT Richard Rose

Damione Warner

Ahmad Ramana

Steven Martin, M.D.

Michael Aronoff, M.D.

Paul Hymowitz, M.D.

6. The defendants in this case are employees of the New York City Police Department, or the NYPD. Have you or any of your family members or close friends ever worked as a police officer in any city?
7. Have you or any of your family members or close friends every worked for any police department?
8. Have you or any of your family members or close friends ever worked for the New York City Police Department?
9. Have you or any of your family members or close friends ever worked for the City of New York?
10. Have you ever had any contact with the police, including being arrested or reporting a crime? If yes, what were the circumstances?
11. Have any of your family members or close friends ever had any contact with the police, including being arrested or reporting a crime? If yes, what were the circumstances?
12. Do you have any opinions as a result of any contacts with the police that you or your friends or family have had that would affect your ability to give an impartial verdict in this case?
13. Do you have any preconceived notions or beliefs about police work which would make it difficult for you to be impartial during this case?
14. In a trial it is important to listen to every witness. A police officer who is a witness should not be believed any more or less simply because he is a police officer. Is there any reason that you would find a police officer's testimony either more credible or less credible than the testimony of witness who was not a police officer?

15. Do you believe that sometimes a police officer may wrongly arrest a person when that person has not broken the law?
16. Do you believe that sometimes a police officer may use too much force when arresting a person?
17. Do you believe that police officers should be held responsible when officers wrongly arrest someone or use too much force against someone?
18. Have you heard anything on the radio or television about the use of force by the New York City Police Department? If so what have you heard?
19. When there's a dispute between an individual vs. an agency, whose side do you tend more readily to believe - the individual's or the agency's?
20. When someone believes they are witnessing an injustice being done to another person, do you tend to think it's best for that person to simply stand back silently, or do you believe that person has the right to speak out about what they are seeing?
21. More specifically, in this case the plaintiffs claim that they believed that they observed the police harming a citizen and stopped to ask the police to stop harming that person. In such a situation, do you believe that people should stop and speak to the police, or do you think that people should move on and let the police do their job?
22. In this case, the plaintiffs also claim that they were arrested by the police not because they broke the law, but because they spoke out and asked the police to stop harming a person who was under arrest. In such a situation, do you believe that the police should be allowed to arrest people who stop and protest what the police are doing during an arrest?
23. If you find in this case that the plaintiffs were unlawfully arrested, would you have any qualms about awarding them money damages for their false arrest?

24. If you find in this case that the plaintiffs were physically assaulted by the police and that the police used excessive force, would you have any qualms about awarding the plaintiffs money damages for their injuries?
25. If you find in this case that the plaintiffs were unlawfully arrested and assaulted by the police, would you have any qualms about awarding them money damages for the physical and emotional injuries caused by that assault and arrest?
26. Do you believe that being wrongly arrested by the police could cause long lasting emotional damages?
27. Have you ever sought counselling, either as an individual or as a couple, because of problems that you were experiencing in a relationship or in a marriage?
28. When people complain of emotional and/or sexual difficulties in a relationship or marriage, do you tend to sympathize with their problems or do you tend to think they should get a hold of themselves, fix their problems and move on?
29. Do you believe that you can keep an open mind in hearing the evidence in this case and render a fair and impartial verdict without regard to the race or national origin of any of the parties to this lawsuit?
30. Do you agree that all people who take the witness stand, regardless of his or her profession or background or education or color, are to be treated with the same respect as any other person who takes the witness stand?
31. If a loved one of yours was seeking compensation for injuries caused by an alleged wrongful arrest and the alleged wrongful use of force by a police officer, would you feel satisfied with six jurors of the same mind as yours to stand in judgment in that case?

DATED: May 3, 2012
New York, New York

Respectfully submitted,

BELDOCK LEVINE & HOFFMAN, LLP

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Attorneys for Plaintiffs

